

REMARKS

This Amendment is being filed in response to the Office Action mailed December 28, 2004. Claims 11-17, 37 and 38 were rejected. Claims 1 and dependent Claim 17 have been amended herein. Claims 43-52 have been added. Accordingly, Claims 11-17, 37, 38 and 43-52 are pending.

CLAIM REJECTIONS – CLAIMS 11, 12 & 17 – § 102(b)

Claims 11, 12 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by West et al. (6,487,824). Applicant respectfully submits that independent Claim 11, as amended, and the claims dependant thereon are allowable over West et al.

At the outset, it is significant to note that the claimed invention comprises an outdoor double-sided wall structure. The significance of the masonry pattern formed on both sides of this structure is highlighted by the fact that this structure serves as a wall for outdoor applications, as opposed to a door within a house. As an example and not by way of limitation, the claimed wall structure may be used in a variety of outdoor applications in order to, for example, fence off a yard, provide a barrier along a road, etc.

Applicant claims a double-sided wall structure that includes a first and second thermoformed panel. The first and second thermoformed panels include three-dimensional, non-extrudable front surfaces and rear surfaces. The rear surfaces of the panels are substantially parallel to the front surfaces. Applicant further claims that the three-dimensional front surfaces resemble a masonry

pattern. As discussed in the specification, the benefits of such a structure are such that they may be used in place of walls composed of actual bricks or other materials, thereby saving expensive labor, time and costs associated with construction. As discussed on page 20, the panels of the claimed assembly provide unique heat dissipation qualities that would not be appreciated with indoor structures.

West discloses a door that includes a frame and first and second thermoformed panels that have three-dimensional, non-extrudable surfaces. However, the three-dimensional panels of West et al. resemble a wooden door pattern, having standard boxes formed within the panels in order to add dimension to the door. West. does not disclose or teach the three-dimensional, non-extrudable front surfaces resembling a masonry pattern.

The Office Action states that it would have been an obvious matter of design choice to provide first and second panels with brick patterns in order to create a different design appearance. Applicant respectfully disagrees. West discloses a door assembly that is limited for indoor use. West does not disclose or suggest any structure that may be used in outdoor applications. Thus, West does not provide any motivation to form panels with masonry patterns. In fact, West would teach away from using such a pattern for a door since a masonry pattern on a door would be completely incongruous. West clearly states that his invention is intended to mimic an indoor door assembly with the appearance of “painted steel or sanded wood doors.” (col. 4: 14-15). Accordingly, West teaches away from any pattern or appearance that would not resemble a door.

Furthermore, it would not have been an obvious design choice to modify West to form a masonry pattern. Besides the fact that West omits any mention of an outdoor structure, Applicant has devoted considerable discussion in the specification on the benefits of the claimed outdoor wall structure. On page 20, Applicant describes the various unique heat dissipation characteristics associated with Applicant's claimed outdoor wall structure.

Moreover, West discloses a door, and not a wall assembly. Since Applicant's claimed invention comprises a wall structure, it is significant that in newly added independent Claim 47, applicant claims a plurality of panels disposed side-by-side in order to form a continuous wall assembly. West provides no motivation to dispose a plurality of doors side-by-side since West is not concerned at all with providing a wall assembly.

Therefore, Applicant respectfully submits that independent Claims 1 and 47 are not anticipated by West et al.

CLAIM REJECTIONS – CLAIMS 13-16, 37-38 – § 103

Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over West et al in view of Olton (3,271,919). Claims 13-14 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over West et al. in view of Dube et al. (5,557,899). Claims 37-38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over West et al.

As amended, Applicant claims that the three-dimensional front surfaces resemble a masonry pattern. West fails to disclose or teach panels with a

masonry pattern. Applicant further amended Claim 1 to recite that it is an outdoor wall structure and that the panels are disposed side-by-side. In fact, West altogether fails to suggest an outdoor assembly, let alone a wall structure. Since the reference is not concerned with wall structures, West also fails to teach or suggest a plurality of structures disposed side-by-side so as to form a wall structure. For similar reasons, Applicant also submits that the addition of Dube et al. (US 5,557,899) to West still fails to these unique features. Therefore, Applicant respectfully submits that Claims 11-17, 37-38, and 43-51 are patentable over the cited combination.

SUMMARY

Based on the above amendments and accompanying remarks, Applicant respectfully submits that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance. Applicant encourages the Examiner to telephone the undersigned attorney if it appears that a telephone conference would facilitate allowance of the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 23, 2005


by Eric Hoover



Signature

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